

Judge SYLVIA H. Rambo
U.S. DISTRICT COURT
235 N. WASHINGTON AVE
P.O. BOX. 1148
SCRANTON, PA. 18501-1148

FILED
SCRANTON

FEB 24 2020

PER

DEPUTY CLERK

Ms. Rambo:

CIV. No. 3: CV-11-1609
2-14-2020

YOU GAVE A ORDER THAT PRETRIAL
MOTIONS TO BE FILED BY JANUARY 31, 2020.
ON JANUARY 24, 2020, DEFENDANT'S FILED
A DECLARATION FROM J. HEPNER DATED
~~THAT HE~~ JULY 19, 2019, CLAIMING THAT
HE WAS AWARE THAT I ASSAULTED STAFF
IN EARLY 2020 BY SPITTING ON THEM
AND THAT RELIED ON MY DISCIPLINARY
HISTORY TO PLACE ME INTO 4-POINT
RESTRAINTS ON JUNE 22, 2010 THROUGH
JUNE 24, 2010. BASED ON THIS SUB-

1.

MISSION I RECEIVED ON FEBRUARY 6, 2020, I NEED A EXTENSION OF TIME TO FILE A RESPONSE AND WE ARE CURRENTLY ON LOCK DOWN IN THIS UNIT DUE TO A FIGHT AND I DON'T KNOW WHEN WE WILL BE ABLE TO COME OUT OF OUR CELLS TO USE THE COMPUTER'S, IN ADDITION, I DON'T HAVE MONEY TO BUY STAMPS OR LEGAL ENVELOPES AND I DON'T KNOW WHEN I WILL GET STAMPS TO MAIL MY DOCUMENTS AND I MAY HAVE 'FT BRING THE PRELIMINARY MOTIONS TO YOU. UNDER THESE CIRCUMSTANCES I NEED A EXTENSION OF TIME TO FILE PRETRIAL MOTIONS. UNTIL MAY 11, 2020, LAST DAY FOR FILING MOTIONS.

Fed. R. Civ. P. 6(b)(2)⁴ PERMITS A DISTRICT COURT TO EXTEND THE DEADLINE FOR A MOTION PAPER FOR GOOD CAUSE IF THE PARTY FAILED TO ACT BECAUSE OF EXCUSABLE NEGLIGENCE. FED. R. CIV. P. 6(b)(2). AT BOTTOM, EXCUSABLE NEGLIGENCE REQUIRES A DEMONSTRATION OF GOOD FAITH ON THE PART OF THE PARTY OF THE PARTY SEEKING AN ENLARGEMENT AND SOME REASONABLE BASIS FOR NONCOMPLIANCE WITHIN THE TIME SPECIFIED IN THE RULES. FOR RULE 6(b) PURPOSES, EXCUSABLE NEGLIGENCE IS AN ELASTIC CONCEPT. IN ASSESSING WHETHER A PARTY'S NEGLIGENCE IS EXCUSABLE, A COURT MUST TAKE INTO ACCOUNT ALL RELEVANT CIRCUMSTANCES SURROUNDING THE PARTY'S OMISSION, INCLUDING

SEE Fed R. Civ. P. 6(b)(1)(B).

(1) THE DANGER OF PREJUDICE TO THE OTHER PARTY; (2) THE LENGTH OF THE DELAY AND ITS POTENTIAL IMPACT ON JUDICIAL PROCEEDINGS; (3) WHETHER THE CAUSE OF DELAY WAS WITHIN THE REASONABLE CONTROL OF THE MOVING PARTY; AND (4) WHETHER THE MOVANT ACTED IN GOOD FAITH. COURTS HAVE ALSO CONSIDERED THE DILIGENCE OF THE MOVING PARTY AS WELL AS WHETHER THE ASSERTED INADVERTENCE REFLECTS EITHER PROFESSIONAL INCOMPETENCE OR AN EASILY MANUFACTURED EXCUSE INCAPABLE OF VERIFICATION BY THE COURT. SEE KIMBERG V. UNIVERSITY OF SCRANTON, 411 FED. APPX 473, 477-78 (3d CIR. 2010); ORIPPLE

v. TOBELINSKI, 604 F.3d. 778, 785 (3d. cir. 2010) (SAME).

HERE, I AM FORMALLY SUBMITTING THIS MOTION FOR AN EXTENSION OF TIME TO FILE PRETRIAL MOTIONS TO MAY 11, 2020. DEFENDANT'S FILED SUBMISSIONS ON JANUARY 24, 2020, AND I DID NOT GET THE DOCUMENTS UNTIL FEBRUARY 6, 2020. IN ADDITION, WE ARE CURRENTLY ON LOCK DOWN IN THIS UNIT DUE TO A FIGHT AND I DON'T KNOW WHEN I WILL BE ABLE TO COME OUT AND USE THE COMPUTER. FURTHERMORE, I DO NOT HAVE MONEY TO

S.

buy STAMPS and ENVELOPES or
WHEN I WILL GET STAMPS TO MAIL
MY LEGAL DOCUMENTS AND THEREFORE,
I MAY HAVE HFT TO HAND DELIVER
THE DOCUMENTS TO THE COURT
ON MAY 11, 2020. GOOD CAUSE
EXISTED AND EXCUSABLE NEGLIGENCE
IS SHOWN FOR FILING PRETRIAL
MOTIONS AFTER JANUARY 31,
2020.

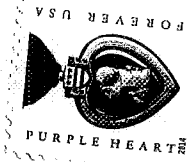
6,

COURTS HOLD PRO SE PLEADINGS,
 TO LESS STRINGENT STANDARDS
 THAN FORMAL PLEADINGS DRAFTED
 BY A ATTORNEY. See ERICKSON
 V. PARADUS, 551 U.S. 89, 94
 (2007). COURTS ARE RELUCTANT
 TO DISMISS THE CLAIM OF A
 PRISONER PROCEEDING PRO-SE
 SOLELY ON PROCEDURAL GROUNDS
 JONES V. BROCK, 549 U.S. 199,
 216 (2007); SEALED PLAINTIFF
 V. SEALED DEFENDANTS, 537 F.3d
 185, 191 (2d Cir. 2008) (COURT
 ERRED IN THREATENING TO DIS-
 MISS PRO SE PLAINTIFF'S CLAIMS

FOR DEVIATION FROM FORMATTING
RULES-1; BRISCOE v. KLAUS,
538 F.3d. 252, 263-64
(3d Cir 2008).

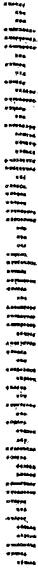
I NEED A EXTENSION OF TIME
TO FILE PRETRIAL MOTIONS
UP AND UNTIL MAY 11, 2020
LAST DAY FOR FILING.

12585-007
DAVID E. HILL
U.S.P. FLORENCE-MAN
P.O. BOX 8500
FLORENCE, CO. 81226



CLERK OF COURT
U.S. DISTRICT COURT
235 N. WASHINGTON AVE
P.O. BOX 1148
SCANTON, PA. 18501-1148

1850121148 8039



Name: Hill, David
Reg. No.: 12585007
U.S. Penitentiary Max.
P.O. Box 8500
Florence, CO 81226-8500

RECEIVED
SCANTON

FEB 24 2020

PER gm
DEPUTY CLERK

LEGAL MAIL